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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

AUGUST 1981

VOL. III, No. 3

LEGISLATIVE COUNCIL

COUNCIL POLICY ON INTERIM SALARY

The Legislative Council is responsible for administering funds appropriated for its own operations, for the activities of Interim Subcommittees, and for a number of other committees that receive Council support services. As a result of changes in the law regarding salary allowances for legislators, a number of legislators have raised questions as to how to determine their entitlements to salary under the law. To assist in making this determination, the Council at its July meeting established some policy on this issue. It is basically the responsibility of the legislator to determine when it is "necessary" to be away from home on committee business. Such matters as the scheduled time for the meeting to be attended, the distance to be traveled, and the weather all will play a part in making a reasonable determination. The chairman of the Legislative Council will be responsible to check claims to see that they remain within the bounds of reason. As a general guideline, the Council has stated that if a legislator would have to leave home before 7 a.m. to arrive at a meeting on time or would not arrive home until after 8 p.m. upon adjournment, it would be presumed that an overnight stay on the trip would be legitimate and that meals and lodging associated with the stay may be claimed. Salary for the additional day(s) involved would not be authorized unless there were extenuating circumstances. These circumstances should be noted on the claim form. The Council wishes to establish fair and consistent standards for interpreting the statute. The ultimate responsibility for the accuracy of a claim lies with the person making it. If you have any questions, please ask, and either the staff or the Council members will try to answer them.

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INITIATIVES
NOT TO BE
DRAFTED BY
COUNCIL STAFF

In a significant policy change by the Council, it has been decided that the Council staff is not to draft initiative proposals for legislators. The principal reason for this change is that the statutes were changed in the last session to provide that the

Council staff would be responsible to review the initiatives and that could create conflicts if they were also involved in the drafting. Another concern expressed was that when a legislator drafts an initiative, he is carrying out a function of an individual citizen rather than a function of his office. The drafting service is therefore not appropriate in that regard.

LIBRARY SERVICES AVAILABLE

Reference library service is one of the services the Legislative Council provides that not all legislators may be aware of. The Council maintains a library year-round as a service to legislators and legislative staff. The library is located in Room 101 of the Capitol. A small collection of materials of special interest to legislative needs is kept in the library. Services provided include loan of materials, reference and spot research, subject searches, bibliographies, assembling materials on specific subjects, notification of new materials on certain subjects, and providing assistance in the use of interlibrary loan and other services available to legislators, including CSG and NCSL. If you would like to study some aspect of government or public policy in connection with your legislative duties, the Council Librarian, Janice Bacino, can probably help you. Stop in or give her a call at 449-3064.

INTERIM COMMITTEES

INTERIM APPOINTMENTS FINALIZED

As a result of Legislative Council action at the July 6 meeting, an Interim Subcommittee on Education was designated to study the structure for financing elementary and secondary education in Montana. The Committee on Committees and the Speaker confirmed the tentative appointments to that committee that had been announced earlier.

MEMBERSHIP CHANGE ON FISH AND GAME COMMITTEE

The Committee on Committees announced a changed in the membership on the Interim Subcommittee on Fish and Game. Senator Ed Smith will replace Senator Jack Galt on that committee.

HIGHWAYS

MEETING AUGUST 27 AND 28

Representative John Harp, chairman of the Joint Subcommittee on Highways, has called the next session for Thursday and Friday, August 27 and 28, in Room 104 of the State Capitol. The Committee had hoped to meet with the Highway Commission, but the Commission will not be in Helena this month so the Department of Highways will occupy the first day's

agenda with reports on its programs and activities. On the second day, reports will be heard from other legislative agencies, and presentations will be invited from the private sector.

TRANSPORTATION

COMMITTEE MEETS, SELECTS LEADERSHIP

Representative John Shontz and Senator Mark Etchart were elected chairman and vice-chairman respectively of the Joint Subcommittee on Transportation at the organizational meeting on July 20.

GLENDIVE HEARING SET FOR SEPTEMBER 21

After hearing representatives of various state agencies and of railroads and motor carriers discuss the state's transportation situation, the Committee scheduled its second meeting in Glendive on Monday, September 21, to give residents of eastern Montana an opportunity to appear. A later meeting will be held in western Montana.

BUSINESS

LEADERSHIP SELECTED JULY 10

The Subcommittee on Business met July 10 and selected Representative Chuck Cozzens as chairman and Representative Joe Quilici as vice-chairman. The committee heard testimony from a number of witnesses on what is being done and what might be done to improve the economic environment in the state. The next meeting will be set after the Legislative Council hires a researcher to replace Deborah Schmidt.

JUDICIARY

COMMITTEE ORGANIZED

During its July organizational meeting, the Subcommittee on Judiciary elected Senator Gary Aklestad as chairman and Representative Michael Keedy as vice-chairman. The Committee heard testimony from Senator Fred Van Valkenburg, Missoula County Attorney Robert Deschamps, Attorney General Mike Greely, and Supreme Court Justice John Sheehy on issues relating to judicial redistricting, criminal prosecution, indigent defense, and appellate delays. Committee members adopted study plans for Senate Joint Resolutions 2 and 30 and suggested names of individuals to be invited to address the Committee at future meetings.

TWO-DAY SESSION SCHEDULED FOR SEPTEMBER 25 AND 26

The Committee agreed to meet for a two-day session in September. Members will convene at 10:00 a.m. on Friday, September 25, 1981, and at 8:00 a.m. on Saturday, September 26, 1981. The meetings will be held in Room 104 of the State Capitol.

EDUCATION

FIRST MEETING AUGUST 7

The Joint Subcommittee on Education will have its first meeting Friday, August 7, at 9:00 a.m., in Room 104 of the Capitol.

The meeting agenda includes selection of a chairman and vice-chairman; discussion and adoption of a study design and work plan for HJR 34; a presentation by Dr. Milton Negus, Superintendent of Schools for Bozeman, on the need to revise the methods used to finance public schools in Montana; an overview of court action and legislative responses to inequities of school funding programs in other states, presented by John Augenblick, Director of the Education Finance Center of the Education Commission of the States in Denver.

The Joint Subcommittee on Education is required by HJR 34 to study whether the school foundation program meets the mandate for the funding of public education as stipulated in the 1972 Montana Constitution. In addition, HJR 34 calls for consideration of ways to reduce local voted levies in support of school budgets and consideration of the relationship between the costs of meeting accreditation standards and the foundation program allowable amount.

HUMAN SERVICES

MEETING HELD JULY 24 - COMMITTEE ORGANIZED

The Joint Subcommittee on Human Services held its first meeting on July 24. Representative Kerry Keyser was elected chairman and Senator Bill Norman was elected vice-chairman. The Committee adopted study designs and work plans for HJR 20, a study of the delivery services of the Department of Institutions; and SJR 29, a study of services for youth in need of supervision.

Carroll South, Director of the Department of Institutions, and Curt Chisholm, Acting Superintendent of Galen/Warm Springs State Hospital, presented an update on the consolidation of Galen State Hospital and Warm Springs State Hospital.

Harold Hanser, a representative of the Persistent Status Offender Task Force of the Montana Board of Crime Control's Youth Justice Council, presented a report on the special needs of status offenders in Montana.

Bill Riley, Chairman of the Interagency Committee on Emotionally Disturbed Children, informed the Subcommittee of the work of the Interagency Committee on Emotionally Disturbed Children and offered his Committee's cooperation with the Subcommittee's examination of services to emotionally disturbed youth.

SEPTEMBER 15
DATE PLANNED

The next meeting of the Subcommittee was tentatively set for September 15, 1981.

ADMINISTRATIVE CODE COMMITTEE

MEETING JULY 9
CONSIDERS
SEVERAL ISSUES

The Administrative Code Committee met on July 9 to review the administrative rules published in Issues 7 through 11 of the 1981 Montana Administrative Register. The Committee heard objections to rules proposed by the State Historical Society relating to cultural and aesthetic grant projects. In other business, the Committee was told by a representative of the Department of State Lands that the Lands Commissioner would recommend to the Board that no action be taken to adopt rules on surface licensing of state lands to which the Committee and many members of the Legislature had objected. The Committee received a staff report on the operations of the California Office of Administrative law, which quoted an office report stating that the California office had substantially reduced the number of rules adopted by executive branch agencies. The Committee also heard testimony from the Secretary of State's office indicating that a 300 percent increase in the cost of the Montana Administrative Register and Rules would be necessary over the next several years.

CAPITOL BUILDING AND PLANNING COMMITTEE

COMMITTEE
ORGANIZED
JULY 16

The Capitol Building and Planning Committee met for its first meeting of the interim on July 16. Representative Bobby Spilker was elected to chair the Committee, and Senator Carroll Graham was elected as vice-chairman. The Committee reviewed their overall responsibilities to maintain the master plan for the Capitol complex, review landscaping and art placements in and around the Capitol, and to review plans for remodeling the Capitol. The bulk of the Committee's work surrounded the plans for renovation and remodeling of the Capitol. In connection with that work, a detailed survey of the historical architectural qualities of the building is being prepared by an historical architect who has been

SEPTEMBER DATE
CONSIDERED FOR
NEXT MEETING

retained to do this work. He will prepare recommendations concerning the preservation of significant historical and architectural features of the building and discuss the kinds of changes that can be made and how they should be made to be consistent with maintenance of the character of the building. The Committee plans to look in great detail at the building and discuss anticipated space needs with current and prospective tenants at its next meeting. A tentative date of September 8 is being considered, which is later than earlier planned, but due to the heavy August schedule, may be necessary.

ENVIRONMENTAL QUALITY COUNCIL

EQC SETS
GOALS JULY 13

The Environmental Quality Council met July 13, 1981, to establish a work plan for the 1981-82 interim and to more clearly delineate its goals and responsibilities. As part of its duties under the Montana Environmental Policy Act (MEPA) to provide research, information, and evaluation of Montana's laws and programs affecting the environment to the Legislature, the Governor, and the Public, the EQC will develop and update several publications. Included among these are the statutorily mandated annual reports, a combined Environmental Permit Directory/Environmental Index, a summary and analysis of natural resources, energy, and environmental legislation considered by the 1981 Legislature, a review of state agency programs affecting the environment, and an evaluation of MEPA. The EQC will also begin publication of a short newsletter to alert legislators, state agencies, and other interested persons of current developments in environmental issues affecting Montana.

SUBCOMMITTEES
DESIGNATED TO
CONDUCT STUDIES

Council members also discussed three major studies they will undertake during the interim, including the hardrock mineral development impact study (HJR 66), the evaluation of the Alternative Energy Grant and Loan Program, and EQC participation in the study of Montana's economic climate (HJR 48). EQC will cooperate with the Subcommittee on Business in this last study by evaluating the relationship between environmental regulation and economic development in Montana. The EQC agreed to assign subcommittees to complete the majority of the work on these studies; however, the full Council will consider and approve all recommendations resulting from them. Chairman Dennis Iverson recently appointed the following study subcommittees:

(1) Hardrock mineral development impact

Representative Dave Brown, Chairman
Representative Dean Switzer
Senator Mike Halligan
Mr. Dennis Nathe

(2) Environmental regulation/economic development

Senator Gary Lee, Chairman
Senator Dorothy Eck
Representative Gay Holliday
Mr. Frank Stock

(3) Alternative energy program evaluation

Senator Harold Dover, Chairman
Mr. Glen Rugg
Mr. Leslie Pengelly

FULL EQC TO
MEET IN
SEPTEMBER
FOLLOWING SUB-
COMMITTEE WORK

While the full EQC will not meet again until late September, the subcommittees will begin work in August.

At its July 13 meeting, the EQC reviewed research on increasing problems with groundwater well pollution and sealing, as well as several other issues for possible consideration during the interim. The Council also established new administrative policies. Copies of the minutes of the meeting are available upon request.

DISTRICTING AND APPORTIONMENT COMMISSION

LAWSUIT UPDATE

A hearing was conducted in Judge Bennett's Court as scheduled on July 14. The Attorney General appeared to explain to the Court why the reapportionment of Montana's legislative and congressional districts ought to proceed immediately and be adopted in time for the next election. The Commission and the Legislature appeared through their lawyers to explain to the Court why it seemed to them that the Constitution and statutes prevent them from doing this. The Commission had taken the position that since the Attorney General had raised the issue, it was its responsibility to frame an argument in such a way as to assure the best consideration of the merits of the case. The Commission is committed to try to accomplish its task as well as possible whatever the requirements seem to be. You have received the defenses raised by the Legislature and you will soon receive a brief in support of those defenses. They should be selfexplanatory as to the position

taken by the Legislature in the matter. The Legislature's brief was filed on schedule 10 days after the oral arguments. The Attorney General has until August 3 to file a reply brief that will point out all the reasons he thinks the Legislature and Commission arguments are wrong. The Judge will then decide who is right. He will probably decide that within a week after the Attorney General has submitted his brief. The Commission may be required to hold a meeting in August to discuss its role in any appeal or further court action that may ensue. In the next exciting episode, we will learn what happens after that.

COMMISSION
GOES TO WORK

In the meantime, the Commission has begun the work of redistricting. At its first meeting on July 14, the tentative criteria for the new districts were established. The Commission made it clear that the criteria could be changed based on public comment or practical concerns associated with development of the plan. The criteria that the Commission intends to meet include the following:

1. The size of the Legislature will remain as it is.
2. The overall variance in size will not exceed 10% for state legislative districts and will be as small as possible for the congressional districts.
3. Existing governmental boundaries will be respected as much as is possible.
4. Where geographic barriers would impede voting, they must be respected.
5. Communities of interest will be considered in preparation of the plan.
6. Existing legislative district boundaries will be respected where practicable.
7. If at all possible, the congressional district boundary will not cross a legislative district.

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| 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| | | | | | | EDUCATION RM 104 9:00 am | |
| 9 | 10 FINANCE COMMITTEE RM 104 | 11 LEGISLATIVE COUNCIL (tentative) | 12 INDIAN AFFAIRS RM 104 TIME: TBA | 13 WATER RESOURCES RM 104 10:00 am | 14 | 15 | |
| 16 | 17 | 18 | 19 | 20 COAL TAX OVERSIGHT RM 108 TIMES: TBA | 21 COAL TAX OVERSIGHT RM 108 TIMES: TBA | 22 | |
| 23 | 24 | 25 WESTERN CONFERENCE COUNCIL OF STATE GOVERNMENTS | 26 | 27 HIGHWAYS RM 104 10:00 am | 28 HIGHWAYS RM 104 10:00 am | 29 | |
| | | | RENO - AUGUST 24-27 | | | | |
| 30 | 31 | | | | | | |

Meeting dates are subject to change.

LEGISLATIVE INTERIM CALENDAR

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--|---|--|--|----------|--|--|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 CAPITOL BLDG. AND PLANNING RM 104 (tentative) | 9 CAPITOL BLDG. AND PLANNING RM 104 (tentative) | 10 | 11 REVENUE OVERSIGHT RM 104 9:30 am | 12 REVENUE OVERSIGHT RM 104 9:30 am |
| 13 | 14 | 15 HUMAN SERVICES RM 104 (tentative) | 16 | 17 | 18 | 19 |
| 20 | 21 TRANSPORTATION COMMITTEE PUBLIC HEARING GLENVIEW | 22 | 23 | 24 | 25 JUDICIARY RM 104 10:00 am | 26 JUDICIARY RM 104 8:00 am |
| 27 | 28 | 29 | 30 | | | |
| FIVE STATE CONFERENCE RAPID CITY, SD SEPTEMBER 27-29 | | | | | | |

Meeting dates are subject to change.

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